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Customer No. 33375

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicant	:	Whitby et al.
Serial No.	:	09/996,221
Filed	:	November 28, 2001
Title	:	PACKAGE WRAPPING MACHINE WITH AUTOMATIC PACKAGE CENTERING PRIOR TO WRAPPING
Docket	:	006593-1908
Examiner	:	Huynh, Louis K.
Art Unit:	:	3721

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RENEWED PETITION UNDER 37 CFR 1.137(b)

This paper is filed in response to the Decision on Petition mailed June 17, 2004.

The decision denied the original Petition on the basis that the Amendment submitted with the Petition failed to place the application in condition for allowance. Accordingly, applicants submit herewith a Request For Continued Examination (RCE). Per the indications in the Decision on Petition, the Petition should now be granted.

Applicants note that they do not agree with the Examiner's reasoning set forth in the Advisory Action, and in conjunction with the RCE ask that the Examiner reevaluate his position. In particular, and as set forth in the previously submitted Amendment, in the Advisory Action the Examiner suggests that in Gotthardt et al. the output end of the Gotthardt et al. conveyor moves along a laterally extending axis passing through the center of threaded screw 37.

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Applicants contend the examiner's interpretation of Gotthardt et al. is in error. In particular, and referring to Gotthardt et al. Figs. 2 and 3, it is seen that the underside of conveyor section 14 includes a T-shaped guide bar 30 that is engaged by a guide 31 having a depending pivot pin 32 extending through an actuating block 33. The screw 37 is threaded into the actuating block 33 so that the **actuating block 33** is moved linearly along the axis of screw 37. However, as the actuating block moves linearly, relative movement between the conveyor section 14 and the actuating block 33 occurs by way of the combination of the pivot pin 32, guide 31 and guide bar 30. **Therefore, in reality, no part of the Gotthardt et al. conveyor section 14 moves linearly along the axis of screw 37. Instead, the conveyor section 14 is pivoted as clearly depicted in Fig. 1.** Likewise, neither Whitby '787 nor Remensperger discloses a conveyor with one end that is moved linearly along a laterally extending axis while the other end remains laterally stationary. Thus, the combination of Whitby '787, Remensperger and Gotthardt et al. does not make out a *prima facie* case of obviousness of claims 27-30.

Please contact the undersigned attorney at the telephone number indicated below with any questions regarding this submission.

Respectfully submitted,

Date: 8/4/2004

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